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D1W Nov-05

Paper No. 45

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
100 GALLERIA PARKWAY, NW  
STE 1750  
ATLANTA GA 30339-5948

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NOV 18 2005

**OFFICE OF PETITIONS**

In re Application of :  
Robert H. Shelton :  
Application No. 09/025,279 : DECISION ON PETITION  
Filed: 18 February, 1998 :  
Atty Docket No. 050128-1010 :

This is a decision on the petition under 37 CFR 1.183, filed on 1 August, 2005, requesting waiver of the rules, for the application to be accorded a filing date of 17 February, 1998, rather than the presently accorded filing date of 18 February, 1998.

The petition is **DISMISSED**.

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

The petition is dismissed as untimely under 37 CFR 1.181(f). While the circumstances described by petitioner are unfortunate, petitioner has not shown why over five (5) years elapsed between the dismissal of the prior petition under 37 CFR 1.10(d) and the filing of a request for reconsideration. As the record suggests a lack of diligence, the petition is dismissed out of hand as untimely.

Any renewed petition must be accompanied by verified statements or declarations of fact from all persons having first-hand knowledge of the delay, setting forth the facts as they know them.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
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                  P.O. Box 1450  
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By FAX:           (571) 273-8300  
                  Attn: Office of Petitions

By hand:           Customer Service Window  
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                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

The revocation and power of attorney is accepted.

The application is being forwarded to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Encl:           Notice Regarding Change of Power of Attorney  
                  Notice of Acceptance of Power of Attorney